

Executive Summary – Enforcement Matter – Case No. 46797

City of Yorktown

RN103025805

Docket No. 2013-0888-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Yorktown WWTF, 500 South Riedel Street, approximately 0.7 mile southeast of the intersection of State Highway ("SH") 72 and SH 119 at the end of Eckhardt Street, Yorktown, Dewitt County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$51,030

Amount Deferred for Expedited Settlement: \$10,206

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$1,134

Total Due to General Revenue: \$39,690

Payment Plan: 35 payments of \$1,134 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 20, 2013

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City of Yorktown

RN103025805

Docket No. 2013-0888-MWD-E

Date(s) of NOE(s): April 19, 2013

Violation Information

1. Failed to ensure that the Facility is operated a minimum of five days per week by a chief operator or an operator holding a Category C license or higher. Specifically, it was documented that the licensed chief operator visits the Facility only once per week [30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010323001, Other Requirements No. 1].
2. Failed to give 180 days prior notice to the Executive Director ("ED") of any change in the sewage sludge disposal practice. Specifically, it was documented during a review of sludge trip tickets that sludge was hauled to Victoria Compost Facility, a Type V Municipal Solid Waste Processing Center, however, the sludge disposal facility listed on the Facility's permit application is Covell Gardens Landfill in San Antonio [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010323001, Sludge Provisions, Section III, Part C].
3. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the following deficiencies were noted: one of the three pumps in the main lift station was out of service, one of the five rotors in the oxidation ditch was non-functional, the chlorine contact chamber exhibited signs of accumulated solids including bubbling and rising solids, the enclosed chlorine room did not have an operational vent fan, the chlorine scale was non-functional and the visual alarm at the 8th Street lift station was burnt out [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010323001, Operational Requirements No. 1].
4. Failed to maintain records of monitoring activities. Specifically, it was documented that the following records were not being maintained: sample and analysis times for field parameters, quality control results and the identity of the individual performing the analysis [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a)(1), (2), (3) and (5) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements Nos. 3.c.i., iii., iv. and vi.].
5. Failed to timely submit the monthly discharge monitoring reports ("DMRs") for the monitoring periods ending May 31, 2012, July 31, 2012, and December 31, 2012 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 1].
6. Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more for the monitoring periods ending February 29,

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City of Yorktown

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2012 through January 31, 2013 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 7.c.].

7. Failed to comply with test procedures for the analysis of pollutants. Specifically, the pH buffer solutions were expired and pH calibration was not being performed on a daily basis [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11 and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 2].

8. Failed to give notice to the ED as soon as possible of any planned physical alterations or additions to the Facility. Specifically, it was documented that two sludge drying beds not identified in the Facility's permit application were being used as part of the Facility's treatment process [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010323001, Permit Conditions No. 4.a.].

9. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012 [30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010323001, Sludge Provisions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Immediately, ensure that the Facility is operated by an individual that holds a Category C or higher wastewater treatment operator's license at least five days per week.
- b. Within 15 days, submit written certification demonstrating compliance with Ordering Provision a.
- c. Within 30 days:
 - i. Provide notice to the ED of changes to the sludge disposal practices as originally described in the Facility's permit application;
 - ii. Ensure that records of monitoring activities include the following: sample and analysis times for field parameters, quality control results and the identity of the individual performing the analysis;

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iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and sludge reports;

iv. Update the Facility's operational guidance and conduct employee training to ensure that notification is submitted in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of an effluent violation which deviates from the permitted effluent limitation by more than 40%; and

v. Update the Facility's operational guidance and conduct employee training to ensure that effluent sampling and reporting is conducted including but not limited to ensuring that pH calibration is properly conducted on a daily basis.

d. Within 45 days, submit written certification demonstrating compliance with Ordering Provision c.

e. Within 60 days, discontinue use of the sludge drying beds located at the old wastewater treatment facility and ensure that the sludge located there is removed and disposed of properly.

f. Within 75 days, submit written certification demonstrating compliance with Ordering Provision e.

g. Within 90 days, ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to removing accumulated solids from the chlorine contact chamber and ensuring that it remains free of sludge, equipping the enclosed chlorine room with an operational vent fan, repairing or replacing the chlorine scale and repairing or replacing the visual alarm at the 8th Street lift station.

h. Within 105 days, submit written certification demonstrating compliance with Ordering Provision g.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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City of Yorktown

RN103025805

Docket No. 2013-0888-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jill Russell, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-4564; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: The Honorable Rene Hernandez, Mayor, City of Yorktown, P.O. Box 605, Yorktown, Texas 78164

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 22-Apr-2013 | Screening | 7-May-2013 | EPA Due | |
| | PCW | 17-Jun-2013 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|-------------------|---------------------------|-------|
| Respondent | City of Yorktown | | |
| Reg. Ent. Ref. No. | RN103025805 | | |
| Facility/Site Region | 14-Corpus Christi | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|----------------------------------------|-----------------|------------------------------|--------------------|
| Enf./Case ID No. | 46797 | No. of Violations | 9 |
| Docket No. | 2013-0888-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Jill Russell |
| | | EC's Team | Enforcement Team 3 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|-------------------------------------------------------------|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$42,875 |
|-------------------------------------------------------------|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

| | | | |
|---------------------------|-------------------|--------------------------------|----------|
| Compliance History | 68.0% Enhancement | Subtotals 2, 3, & 7 | \$29,155 |
|---------------------------|-------------------|--------------------------------|----------|

Notes: Enhancement for nine months of self-reported effluent violations and two agreed final enforcement orders without denial of liability.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | |
|------------------------------------------------------|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|------------------------------------------------------|-------------------|-----|

| | | | |
|-------------------------|-------------------|-------------------|-----|
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
|-------------------------|-------------------|-------------------|-----|

Total EB Amounts \$12,269
Approx. Cost of Compliance \$125,750

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$72,030 |
|-----------------------------|-----------------------|----------|

| | | | |
|---------------------------------------------|--------|-------------------|-----------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | -29.2% | Adjustment | -\$21,000 |
|---------------------------------------------|--------|-------------------|-----------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Reduction recommended so that the reporting violation does not overly impact the penalty amount.

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$51,030 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$51,030 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|-----------------|-------------------|-----------|
| DEFERRAL | 20.0% Reduction | Adjustment | -\$10,206 |
|-----------------|-----------------|-------------------|-----------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$40,824 |
|------------------------|----------|

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 9 | 18% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 2 | 50% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Please Enter Yes or No | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 68%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for nine months of self-reported effluent violations and two agreed final enforcement orders without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 68%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 68%

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010323001, Other Requirements No. 1

Violation Description Failed to ensure that the Facility is operated a minimum of five days per week by a chief operator or an operator holding a Category C license or higher, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that the licensed chief operator visits the Facility only once per week.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | X | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | | | |
|---------------|-------|----------|-------|
| | Major | Moderate | Minor |
| | | | |

Percent 0.0%

Matrix Notes

Operating the Facility without an operator may not allow for the proper maintenance and operation of the Facility's equipment. As a result, human health and the environment will or could be exposed to pollutants which would exceed protective levels.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

76 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | X |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$11,250

Three monthly events are recommended, calculated from the date of the investigation, February 20, 2013, to the date of screening, May 7, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

| | Before NOV | | NOV to EDPRP/Settlement Offer |
|-----|---------------|----------|-------------------------------|
| | Extraordinary | Ordinary | |
| N/A | X | | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5,247

Violation Final Penalty Total \$13,390

This violation Final Assessed Penalty (adjusted for limits) \$13,390

Economic Benefit Worksheet

Respondent City of Yorktown
Case ID No. 46797
Reg. Ent. Reference No. RN103025805
Media Water Quality
Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|----------|-------------|------------|------|-------|---------|---------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | \$24,000 | 20-Feb-2013 | 7-May-2013 | 0.21 | \$250 | \$4,997 | \$5,247 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to employ a Category C licensed operator to supervise operation of the Facility at least five days per week, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$24,000

TOTAL

\$5,247

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010323001, Sludge Provisions, Section III, Part C

Violation Description

Failed to give 180 days prior notice to the Executive Director of any change in the sewage sludge disposal practice, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented during a review of sludge trip tickets that sludge was hauled to Victoria Compost Facility, a Type V Municipal Solid Waste Processing Center, however, the sludge disposal facility listed on the Facility's permit application is Covell Gardens Landfill in San Antonio.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Harm Moderate | Minor |
|-----------|-------|------------------|-------|
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix
Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,488

This violation Final Assessed Penalty (adjusted for limits) \$1,488

Economic Benefit Worksheet

Respondent City of Yorktown
Case ID No. 46797
Reg. Ent. Reference No. RN103025805
Media Water Quality
Violation No. 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$50 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$2 | n/a | \$2 |

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to provide notification to the Executive Director of changes to the sludge disposal practices, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$2

Screening Date 7-May-2013
Respondent City of Yorktown
Case ID No. 46797

Docket No. 2013-0888-MWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010323001, Operational Requirements No. 1

Violation Description

Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on February 20, 2013. Specifically, the following deficiencies were noted: one of the three pumps in the main lift station was out of service, one of the five rotors in the oxidation ditch was non-functional, the chlorine contact chamber exhibited signs of accumulated solids including bubbling and rising solids, the enclosed chlorine room did not have an operational vent fan, the chlorine scale was non-functional and the visual alarm at the 8th Street lift station was burnt out.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | x | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

76 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | x |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | |

Violation Base Penalty \$11,250

Three monthly events are recommended, calculated from the date of the investigation, February 20, 2013, to the date of screening, May 7, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,636

Violation Final Penalty Total \$13,390

This violation Final Assessed Penalty (adjusted for limits) \$13,390

Economic Benefit Worksheet

Respondent City of Yorktown
Case ID No. 46797
Reg. Ent. Reference No. RN103025805
Media Water Quality
Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-----------|-------------|------------|------|-------|---------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$100,000 | 20-Feb-2013 | 1-Feb-2014 | 0.95 | \$316 | \$6,320 | \$6,636 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to make improvements to the Facility to ensure that all of its systems of collection, treatment and disposal are properly operated and maintained, including removing sludge from the chlorine contact chamber and ensuring that it remains free of sludge, equipping the enclosed chlorine room with an operational vent fan, repairing or replacing the chlorine scale and repairing or replacing the visual alarm at the 8th Street lift station, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000

TOTAL

\$6,636

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.7(a)(1), (2), (3) and (5) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements Nos. 3.c.i., iii., iv. and vi.

Violation Description

Failed to maintain records of monitoring activities, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that the following records were not being maintained: sample and analysis times for field parameters, quality control results and the identity of the individual performing the analysis.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Harm Moderate | Minor |
|-----------|-------|------------------|-------|
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | X | |

Percent 2.5%

Matrix
Notes

Between 30 and 70% of the rule requirement was not met.

Adjustment \$24,375

\$625

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | X |

Violation Base Penalty \$625

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$744

This violation Final Assessed Penalty (adjusted for limits) \$744

Economic Benefit Worksheet

Respondent City of Yorktown
Case ID No. 46797
Reg. Ent. Reference No. RN103025805
Media Water Quality
Violation No. 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$250 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$10 | n/a | \$10 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to conduct employee training to ensure that an accurate record of monitoring activities is maintained, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$10

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 1

Violation Description

Failed to timely submit the monthly discharge monitoring reports ("DMRs") for the monitoring periods ending May 31, 2012, July 31, 2012, and December 31, 2012, as documented during an investigation conducted on February 20, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | X |

Percent 1.0%

Matrix Notes

More than 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 3

93

Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | X |

Violation Base Penalty \$750

Three single events are recommended (one for each report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$893

This violation Final Assessed Penalty (adjusted for limits) \$893

Economic Benefit Worksheet

Respondent City of Yorktown
Case ID No. 46797
Reg. Ent. Reference No. RN103025805
Media Water Quality
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$250 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$10 | n/a | \$10 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to conduct employee training to ensure the timely submittal of DMRs, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$10

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010323001,
Monitoring and Reporting Requirements No. 7.c.

Violation Description

Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more for the monitoring periods ending February 29, 2012 through January 31, 2013, as documented during an investigation conducted on February 20, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Major | Harm | Minor |
|-----------|-------|------|-------|
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 5.0%

Matrix
Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 12

366 Number of violation days

mark only one
with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$15,000

Twelve single events are recommended (one for each report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$337

Violation Final Penalty Total \$17,853

This violation Final Assessed Penalty (adjusted for limits) \$17,853

Economic Benefit Worksheet

Respondent City of Yorktown

Case ID No. 46797

Reg. Ent. Reference No. RN103025805

Media Water Quality

Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | \$250 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$10 | n/a | \$10 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to conduct employee training to ensure the timely submittal of noncompliance notifications, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|-------|------------|------------|------|------|-------|-------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$300 | 5-Mar-2012 | 5-Feb-2013 | 1.84 | \$28 | \$300 | \$328 |

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to submit noncompliance notifications (\$25 per notification), calculated from the date the first notification was due to the date the last notification was due.

Approx. Cost of Compliance

\$550

TOTAL

\$337

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11 and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 2

Violation Description

Failed to comply with test procedures for the analysis of pollutants, as documented during an investigation conducted on February 20, 2013. Specifically, the pH buffer solutions were expired and pH calibration was not being performed on a daily basis.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| | Major | Moderate | Minor |
|----------------|-------|----------|-------|
| Release Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| Falsification | | | |

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

76 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$1,250

One quarterly event is recommended, calculated from the date of the investigation, February 20, 2013, to the date of screening, May 7, 2013.

Good Faith Efforts to Comply

0.0% Reduction

\$0

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$1,488

This violation Final Assessed Penalty (adjusted for limits) \$1,488

Economic Benefit Worksheet

Respondent City of Yorktown
 Case ID No. 46797
 Reg. Ent. Reference No. RN103025805
 Media Water Quality
 Violation No. 7

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$100 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$4 | n/a | \$4 |

Notes for DELAYED costs

The delayed costs include the estimated amount necessary to purchase new pH buffer solutions and ensure that proper calibration is performed on a daily basis, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010323001, Permit Conditions No. 4.a.

Violation Description

Failed to give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the Facility, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that two sludge drying beds not identified in the Facility's permit application were being used as part of the Facility's treatment process.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | | | |
|---------------|-------|----------|-------|
| | Major | Moderate | Minor |
| | x | | |

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

76 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

| | | |
|---------------|---|---------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$1,488

This violation Final Assessed Penalty (adjusted for limits) \$1,488

Economic Benefit Worksheet

Respondent City of Yorktown
 Case ID No. 46797
 Reg. Ent. Reference No. RN103025805
 Media Water Quality
 Violation No. 8

Percent Interest 5.0
 Years of Depreciation 15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount
 Item Description No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | \$500 | 20-Feb-2013 | 1-Jan-2014 | 0.86 | \$22 | n/a | \$22 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$50 | 20-Feb-2013 | 1-Dec-2013 | 0.78 | \$2 | n/a | \$2 |

Notes for DELAYED costs

Delayed costs include the estimated amount necessary to remove sludge from the drying beds located at the old wastewater treatment facility and ensure proper disposal and submit notice of changes made to the Facility, calculated from the date of the investigation to the estimated dates of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$550

TOTAL

\$24

Screening Date 7-May-2013

Docket No. 2013-0888-MWD-E

PCW

Respondent City of Yorktown

Policy Revision 3 (September 2011)

Case ID No. 46797

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103025805

Media [Statute] Water Quality

Enf. Coordinator Jill Russell

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0010323001, Sludge Provisions

Violation Description Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, as documented during an investigation conducted on February 20, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0.0%

>> Programmatic Matrix

| Falsification | | | |
|---------------|-------|----------|-------|
| | Major | Moderate | Minor |
| | | | x |

Percent 1.0%

Matrix Notes More than 70% of the rule requirement was met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 157 Number of violation days

| | | |
|-------------------------|--------------|---|
| mark only one with an x | daily | |
| | weekly | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary | | |
| Ordinary | | |
| N/A | x | (mark with x) |

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$298

This violation Final Assessed Penalty (adjusted for limits) \$298

Economic Benefit Worksheet

Respondent City of Yorktown
 Case ID No. 46797
 Reg. Ent. Reference No. RN103025805
 Media Water Quality
 Violation No. 9

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|--|--|--|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed costs for the violation are associated with violation no. 5.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600306278, RN103025805, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600306278, City of Yorktown

Classification: SATISFACTORY

Rating: 14.83

Regulated Entity: RN103025805, CITY OF YORKTOWN WWTP

Classification: SATISFACTORY

Rating: 14.83

Complexity Points: 7

Repeat Violator: NO

CH Group: 08 - Sewage Treatment Facilities

Location: LOCATED AT 500 SOUTH RIEDEL STREET, APPROXIMATELY 0.7 MILE SOUTHEAST OF THE INTERSECTION OF STATE HIGHWAY 72 AND STATE HIGHWAY 119 AT THE END OF ECKHARDT STREET IN YORKTOWN, DEWITT COUNTY, TX

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

WASTEWATER PERMIT WQ0010323001

WASTEWATER EPA ID TX0054631

WASTEWATER LICENSING LICENSE WQ0010323001

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: May 06, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 06, 2008 to May 06, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Stephen Thompson

Phone: (512) 239-2558

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/13/2011 ADMINORDER 2011-0127-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Eff. Limit. & Monit. Req. No. 1 PERMIT
Description: Failure to comply with the permitted effluent limitations.
- 2 Effective Date: 08/02/2012 ADMINORDER 2011-1610-MWD-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:Eff. limits and Monitoring Req. No. 1 PERMIT
Description: Failure to comply with permitted effluent limitations as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

| | | |
|---------|--------------------|----------|
| Item 1 | May 20, 2008 | (926979) |
| Item 2 | June 13, 2008 | (926983) |
| Item 3 | July 10, 2008 | (926987) |
| Item 4 | September 16, 2008 | (926995) |
| Item 5 | October 24, 2008 | (926999) |
| Item 6 | November 20, 2008 | (927003) |
| Item 7 | January 14, 2009 | (927007) |
| Item 8 | February 20, 2009 | (926966) |
| Item 9 | April 28, 2009 | (926974) |
| Item 10 | May 22, 2009 | (926980) |
| Item 11 | June 16, 2009 | (926984) |
| Item 12 | July 14, 2009 | (926988) |
| Item 13 | August 14, 2009 | (765918) |
| Item 14 | August 17, 2009 | (926992) |
| Item 15 | September 17, 2009 | (926996) |
| Item 16 | October 14, 2009 | (927000) |
| Item 17 | November 16, 2009 | (927004) |
| Item 18 | December 18, 2009 | (927008) |
| Item 19 | January 25, 2010 | (927012) |
| Item 20 | February 19, 2010 | (926967) |
| Item 21 | March 11, 2010 | (926970) |
| Item 22 | April 15, 2010 | (926975) |
| Item 23 | September 24, 2010 | (874558) |
| Item 24 | October 28, 2010 | (896961) |
| Item 25 | November 08, 2010 | (888613) |
| Item 26 | December 31, 2010 | (896962) |
| Item 27 | January 24, 2011 | (909754) |
| Item 28 | February 11, 2011 | (909753) |
| Item 29 | August 31, 2011 | (959954) |
| Item 30 | September 28, 2011 | (965999) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

| | | | |
|---|----------------------------------------------------------------------------------------------------|--------------------------|--|
| 1 | Date: 05/31/2012 (1032216) | CN600306278 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 2 | Date: 06/30/2012 (1032217) | CN600306278 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 3 | Date: 07/31/2012 (1064253) | CN600306278 | |
| | Self Report? YES | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| 4 | Date: 08/31/2012 (1064254) | CN600306278 | |

| | | | | |
|---|--------------|------------------------------------------------------------------------------------------|-----------------|----------|
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 5 | Date: | 09/30/2012 (1064255) | CN600306278 | |
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 6 | Date: | 10/31/2012 (1064256) | CN600306278 | |
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 7 | Date: | 11/30/2012 (1064257) | CN600306278 | |
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 8 | Date: | 12/31/2012 (1080407) | CN600306278 | |
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |
| 9 | Date: | 01/31/2013 (1080406) | CN600306278 | |
| | Self Report? | YES | Classification: | Moderate |
| | Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) | | |
| | Description: | Failure to meet the limit for one or more permit parameter | | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF YORKTOWN
RN103025805

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2013-0888-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Yorktown ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 500 South Riedel Street, approximately 0.7 miles southeast of the intersection of State Highway 72 and State Highway 119 at the end of Eckhardt Street in Yorktown, Dewitt County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 24, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Fifty-One Thousand Thirty Dollars (\$51,030) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand One Hundred Thirty-Four Dollars (\$1,134) of the administrative penalty and Ten Thousand Two Hundred Six Dollars (\$10,206) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty-Nine Thousand Six Hundred Ninety Dollars (\$39,690) of the administrative penalty shall be payable in 35 monthly payments of One Thousand One Hundred Thirty-Four Dollars (\$1,134) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to ensure that the Facility is operated a minimum of five days per week by a chief operator or an operator holding a Category C license or higher, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and 305.125(1) and Texas Pollutant Discharge Elimination

System ("TPDES") Permit No. WQ0010323001, Other Requirements No. 1, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that the licensed chief operator visits the Facility only once per week.

2. Failed to give 180 days prior notice to the Executive Director of any change in the sewage sludge disposal practice, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010323001, Sludge Provisions, Section III, Part C, as documented during an investigation conducted on February 20, 2013. Specifically, it was documented during a review of sludge trip tickets that sludge was hauled to Victoria Compost Facility, a Type V Municipal Solid Waste Processing Center, however, the sludge disposal facility listed on the Facility's permit application is Covell Gardens Landfill in San Antonio.
3. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010323001, Operational Requirements No. 1, as documented during an investigation conducted on February 20, 2013. Specifically, the following deficiencies were noted: one of the three pumps in the main lift station was out of service, one of the five rotors in the oxidation ditch was non-functional, the chlorine contact chamber exhibited signs of accumulated solids including bubbling and rising solids, the enclosed chlorine room did not have an operational vent fan, the chlorine scale was non-functional and the visual alarm at the 8th Street lift station was burnt out.
4. Failed to maintain records of monitoring activities, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a)(1), (2), (3) and (5) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements Nos. 3.c.i., iii., iv. and vi., as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that the following records were not being maintained: sample and analysis times for field parameters, quality control results and the identity of the individual performing the analysis.
5. Failed to timely submit the monthly discharge monitoring reports ("DMRs") for the monitoring periods ending May 31, 2012, July 31, 2012, and December 31, 2012, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 1, as documented during an investigation conducted on February 20, 2013.
6. Failed to submit noncompliance notifications for effluent violations that exceeded the permitted effluent limit by 40% or more for the monitoring periods ending February 29, 2012 through January 31, 2013, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on February 20, 2013.
7. Failed to comply with test procedures for the analysis of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11 and TPDES Permit No. WQ0010323001, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on February 20, 2013. Specifically, the pH buffer solutions were expired and pH calibration was not being performed on a daily basis.
8. Failed to give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1)

and TPDES Permit No. WQ0010323001, Permit Conditions No. 4.a., as documented during an investigation conducted on February 20, 2013. Specifically, it was documented that two sludge drying beds not identified in the Facility's permit application were being used as part of the Facility's treatment process.

9. Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2012, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (17) and TPDES Permit No. WQ0010323001, Sludge Provisions, as documented during an investigation conducted on February 20, 2013.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Yorktown, Docket No. 2013-0888-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, ensure that the Facility is operated by an individual that holds a Category C or higher wastewater treatment operator's license at least five days per week, in accordance with 30 TEX. ADMIN. CODE § 30.350 and TPDES Permit No. WQ0010323001;
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Provide notice to the Executive Director of changes to the sludge disposal practices as originally described in the Facility's permit application, in

accordance with TPDES Permit No. WQ0010323001. Notice shall be submitted to:

Wastewater Permitting Section
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Ensure that records of monitoring activities include the following: sample and analysis times for field parameters, quality control results and the identity of the individual performing the analysis, in accordance with TPDES Permit No. WQ0010323001;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DMRs and sludge reports, in accordance with TPDES Permit No. WQ0010323001;
 - iv. Update the Facility's operational guidance and conduct employee training to ensure that notification is submitted in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of an effluent violation which deviates from the permitted effluent limitation by more than 40%, in accordance with TPDES Permit No. WQ0010323001; and
 - v. Update the Facility's operational guidance and conduct employee training to ensure that effluent sampling and reporting is conducted in accordance with 30 TEX. ADMIN. CODE §§ 319.4 – 319.12, including but not limited to ensuring that pH calibration is properly conducted on a daily basis.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.;
 - e. Within 60 days after the effective date of this Agreed Order, discontinue use of the sludge drying beds located at the old wastewater treatment facility and ensure that the sludge located there is removed and disposed of properly;
 - f. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision No. 2.h., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.;
 - g. Within 90 days after the effective date of this Agreed Order, ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, including but not limited to removing accumulated solids from the chlorine contact chamber and ensuring that it remains free of sludge, equipping the enclosed chlorine room with an operational vent fan,

repairing or replacing the chlorine scale and repairing or replacing the visual alarm at the 8th Street lift station;

- h. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Nave
For the Executive Director

3/28/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Rene Hernandez
Signature

8-23-13
Date

Rene Hernandez
Name (Printed or typed)
Authorized Representative of
City of Yorktown

Mayor
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.